

REMARKS

This Amendment is submitted in answer to the Office Action dated February 27, 2007, having a shortened three month period set to expire May 27, 2007, and pursuant to a telephone interview with the Examiner on May 29, 2007.

IN THE DRAWINGS

In the present Office Action, the Figure 1 is objected to as containing rectangular boxes that do not contain descriptive text labels. In response, Applicant has proposed amendments to Figure 1 as shown in the attached replacement sheet. The proposed amendments to Figure 1 do not contain any new matter.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In paragraph 2 of the present Office Action, Claims 1-9, 11-16, 18 and 19 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Pub. No. 2003/0227989 to *Rhee et al. (Rhee)*. That rejection is respectfully traversed, and favorable reconsideration of the claims is requested.

Applicant respectfully submits that exemplary Claim 1 as amended herein is not rendered unpatentable by *Rhee* because that reference does not teach or suggest the debug unit recited in amended Claim 1 as follows:

a debug unit configured to determine a bit error rate (BER) of the test data signal and further configured to determine at least one jitter characteristic of the communication link, wherein the debug unit further includes a test advisor configured to output a recommendation regarding a communication problem, based on the BER and the at least one jitter characteristic. [emphasis supplied]

In paragraph 2 of the present Office Action, Figure 2 of *Rhee* and paragraph [0034], which describes *Rhee's* Figure 3, are relied upon as teaching, "The delay locked loop 20 determines if the BER is optimized or not (paragraph 0034) and provides short term jitter tracking (figure 2). The components of the DLL output signals based on these determinations." Upon review of the cited portions of *Rhee*, Applicant notes that the only output signal of the circuits disclosed in Figures 2 and

3 of *Rhee* is a recovered clock signal that is utilized by a D flip-flop 18 to sample data in the input data stream (see, e.g., *Rhee*, paragraph [0007]).

Because *Rhee* does not teach or suggest “a test advisor configured to output a recommendation regarding a communication problem, based on the BER and the at least one jitter characteristic”, Applicant respectfully submits that the rejection of Claim 1 under 35 U.S.C. § 102 is overcome. In addition, the foregoing remarks overcome the rejections of independent Claims 11 and 18, which respectively recite “a test advisor configured to recommend ... corrective action responsive to the BER exceeding a predetermined threshold” and “means for using the BER and the at least one jitter characteristic to generate an action recommendation if the BER exceeds a specified threshold.” The foregoing remarks also overcome the rejection of dependent Claims 2-10, 12-17 and 19-20, which depend from Claims 1, 11 and 18, respectively, and accordingly include the features of their respective underlying independent claims.

Applicant further respectfully submits that Claims 4-8 and 12-16 are patentable over *Rhee* because that reference does not teach or suggest the specific “recommendation” or “corrective action” recited in these claims. In paragraph 2 of the present Office Action, *Rhee* is generally references as teaching “optimizing the BER.” The Examiner then asserts without citation to *Rhee* that “[w]hen the BER is not optimized, an additional correction will be made to correct for the error.” Upon review of *Rhee*, Applicant points out that paragraph [0034] of *Rhee* teaches that the phase adjustment circuit shown in *Rhee*’s Figure 3 “optimizes the overall bit-error rate with the voltage-controlled delay line 22.” *Rhee* does not disclose operation when the BER is not optimized, nor making an “additional correction” when the BER is not optimized as asserted by the Examiner. Moreover, *Rhee* does not disclose the specific “recommendation” or “corrective action” set forth in the present claims. Consequently, Applicant respectfully submits that the rejection of Claims 4-8 and 12-16 under 35 U.S.C. § 102 in view of *Rhee* is overcome.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103


In paragraph 3 of the present Office Action, Claims 10, 17 and 30 are rejected under 35 U.S.C. § 103(a) as unpatentable by *Rhee* in view of U.S. Patent No. 6,856,206 to *Perrott* (*Perrott*). That rejection is also respectfully traversed for the reasons set forth above with respect to the rejection under 35 U.S.C. § 102.

CONCLUSION

Having now addressed and overcome each outstanding rejection of the claims, Applicant respectfully submits that all claims now pending are in condition for allowance and respectfully requests such allowance.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT NO. 09-0447**.

Respectfully submitted,



Brian F. Russell

Reg. No. 40,796

DILLON & YUDELL LLP

8911 N. Capital of Texas Hwy., Ste. 2110

Austin, Texas 78759

(512) 343-6116

ATTORNEY FOR APPLICANT(S)